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SUBJECT: MOZAMBIQUE: UPDATED CHILD LABOR INFORMATION

REFS: (A) STATE 163967

(B) 2004 Mozambique Human Rights Report

Draft, Potts 9/22/2004 email

(C) 03 MAPUTO 000284 (Post draft 2003

Trafficking in Persons Report)

1. Please handle accordingly. Not for internet distribution.

Summary

2. (SBU) Mozambique is party to the ILO convention against the worst forms of child labor. The Government of the Republic of Mozambique (GRM) has a regulatory framework in place to monitor and prosecute infractions of the labor code, but it does not have a regulatory body specifically devoted to child labor cases. The Ministry of Labor (MOL) has worked to develop programs to combat the worst forms of child labor, but impact to date has been minimal. The Labor Law regulates child labor; however, child labor remains a problem in Mozambique. End Summary.

Incidence and Nature of Child Labor

3. (U) A rapid assessment child labor survey of children under 18 conducted between 1998 - 2002 by the MOL and UNICEF identified the worst forms of child labor prevalent in Mozambique as children working in commercial agriculture, domestic labor, and child prostitution. The major factors contributing to child labor where chronic family poverty, lack of employment for adults, breakdown of family support mechanisms, changing economic environment, lack of education opportunities resulting from inadequate education system, gender inequality, and the impact of HIV/AIDS. (Note: Children orphaned by HIV/AIDS often are forced to work because they are left without any adult family members or with only extended family members who were unable to support them. End note.)

Laws and Regulations Defining Child Labor

4. (U) The government ratified ILO Conventions 182 and 29 in July 2003, but has not signed nor ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, nor the Protocol to Prevent, Suppress, and Punish Trafficking in Persons. Law 8/98 sets the minimum age for employment at 15 years, but in exceptional cases, allows for children between the ages of 12 and 15 to work with the joint approval of the Ministries of Labor, Health, and Education. The law sets restricted conditions on the work minors between the ages of 15 and 18 may perform, limits the number of hours they can work, and establishes training, education, and medical exam requirements. For children between 15 and 18 years of age, the employer is required to provide for their education and professional training and to ensure conditions of work that are not damaging to their physical and moral development.

5. (U) For minors under 18 years, the maximum workweek is 38 hours and the maximum workday is 7 hours. Minors under 18 years of age are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law, children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. The Constitution prohibits forced labor, except in the context of penal law.

6. (U) Due to high adult unemployment in the formal sector, estimated at around 50 percent, few children are employed in regular wage positions; however, children, including those under the age of 15, commonly work on family farms; independently in seasonal harvests or commercial plantations, where they are paid on a piecework basis, which principally involves picking cotton or tea leaves; or in the urban informal sector, where they perform such tasks as guarding cars,

collecting scrap metal, working as vendors, and selling trinkets and/or food in the streets. Regulations are not enforced in the informal labor sector. Children also are employed as poorly paid domestic laborers, and this number appears to be increasing.

17. (U) Mozambican law does not specifically prohibit trafficking in persons. Traffickers can be prosecuted using laws on sexual assault, rape, abduction, and child abuse, but to post's knowledge, few to none of such cases have been brought to trial. The government has responded to trafficking-related allegations in the press by conducting follow-up investigations and issuing public awareness announcements. In September 2003, the government launched a program to enhance its child protection laws, including the development of legislation to specifically address trafficking in children. A pilot program of police stations dedicated to dealing with trafficking victims, and staffed with trained officers, was implemented in three provincial capitals.

Implementation and Enforcement of Labor Laws

18. (SBU) The MOL is authorized to regulate child labor in both the informal and formal sectors. Labor inspectors are authorized to obtain court orders and use police to enforce compliance with child labor provisions. Violations of child labor provisions are punishable with fines. Enforcement remedies generally are adequate in the formal sectors, but remain inadequate in the regulation of informal child labor. The Labor Inspectorate and police force lack adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital. The government provides training for police on child prostitution and abuse (including pornography); however, there is no specialized child labor training for the Labor Inspectorate. The government has disseminated information and provided education about the dangers of child labor.

19. (SBU) Education is compulsory and free through the age of 12, but there is a matriculation fee for each child, and children are responsible for purchasing books and school supplies. Children who have a certificate that testifies that their parents' incomes are below a certain poverty level do not pay any matriculation fees. Nevertheless, the fees and associated costs are a significant financial burden for many families. Enforcement of compulsory education laws is inconsistent due to the lack of resources and the need for additional schools in the upper grades.

Social Programs to Counter Child Labor

10. (SBU) The MOL and other organizations have done some work on child labor issues, but with little impact. Currently, the MOL is developing an action plan for reducing child labor and has allocated funds to organize a seminar to discuss this issue. The GRM also has programs aimed at supporting children from impoverished families to stay in school and away from the labor market and the worst forms of child labor. For example, the GRM has established a scholarship program to cover the costs of school materials and fees for children. These programs are especially targeted at young girls and child-headed households, a phenomenon resulting from the high prevalence of HIV/AIDS in Mozambique.

11. (U) The GRM's Poverty Reduction Strategy for 2001-2005, includes an education investment component. The GRM designated approximately 2.41 percent of total expenditures for education in 2003. The Ministry of Education (MINED) has made significant progress in increasing enrollments at all levels, expanding the school network, rolling out a new primary education curriculum, launching a national in-service teacher education program and decentralizing resources for key school inputs directly to primary schools (grades 1 - 5).

12. (U) Key indicators attest to such progress with indicators established for 2003 generally reached or surpassed. The net admission rate for children aged 6 in grade 1 was 44 percent, 2 points higher than expected. At the middle school level, gross enrollment rates were 37 percent and 28 percent for boys and girls, respectively. The 2003 target gross enrollment of 45 percent for girls at the primary school level was achieved. The completion rate, however, is increasing more slowly, from 22 percent in 1997 to 37 percent (29 percent for girls) in 2002, which was 1 point below the goal.

National Policy and Plan of Action

13. (U) Government policies to assist the poor and most vulnerable, such as child laborers, include a Poverty Alleviation Action Plan (PARPA), decentralized planning, and a multi-sectoral approach to HIV/AIDS where the disease forces children to drop out of school in order to work. The Government of Mozambique and UNICEF signed a Master Plan of Operations in 2002 aimed at improving the living conditions of the country's children through the PARPA. The overall goal of the UNICEF Country Program is to support and strengthen Mozambique's commitment and capacity to promote, protect and fulfill children's rights, meet their basic needs, and expand the opportunities of children to reach their fullest potential. To achieve this goal, UNICEF is working with the GRM on a national, provincial and district level, as well as with young people and children in the community. With respect to trafficking in children, the GRM actively participates in The Campaign against Trafficking in Children, and is establishing an assistance center at the border post of Ressano Garcia for repatriated victims of child trafficking.

14. (U) In April 2004, Mozambique's National Assembly opened its doors to youth representatives of the Second National Child Parliament. During the session, youth delegates spoke to the concerns and demands of the more than 9 million children in Mozambique. The Child Parliament was organized by the Ministry for Women and the Coordination of Social Action with the support of UNICEF, the Save the Children Alliance and other partners.
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